

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY LOYD GRAY,

Plaintiff,

v.

CORRECTIONAL OFFICER KENNEDY, *et al*,

Defendants.

Case No. C05-5697FDB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On October 21, 2005, the clerk received plaintiff's civil rights complaint. (Dkt. #1). On October 28, 2005, the clerk sent plaintiff a letter informing him that he must either pay the \$250.00 court filing fee or file a proper application to proceed *in forma pauperis*. (Dkt. #2). That same day, apparently, plaintiff did file an *in forma pauperis* application. (Dkt. #3). Plaintiff's application, however, is deficient.

Pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* also is required to submit with his application a written acknowledgment and authorization form, authorizing the agency

1 having custody over him to collect from his prison trust account an initial partial filing fee and subsequent
2 monthly payments until the full filing fee is paid. Plaintiff has not submitted the acknowledgment and
3 authorization form approved for use by this court.

4 Accordingly, this court orders the following:

5 (1) Plaintiff shall seek to cure this deficiency by filing **no later than January 5, 2006**, a
6 completed and signed copy of the acknowledgment and authorization form pursuant to 28
7 U.S.C. § 1915(b).

8 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
9 **prosecute this matter and the court will recommend dismissal of this matter.**

10 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate
11 acknowledgment and authorization form.

12 DATED this 5th day of December, 2005.

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16 Karen L. Strombom
17 United States Magistrate Judge
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